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February 6, 2006

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

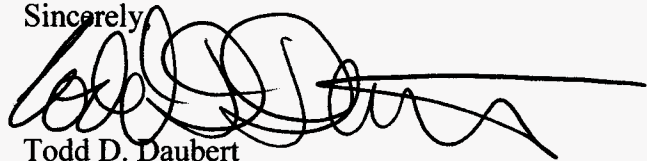
Re: EB Docket No. 06-36 / EB-06-TC-060
Certification of CPNI Filing February 6, 2006

Dear Ms. Dortch:

USD CLEC, Inc., through its counsel, respectfully submits the enclosed Customer Proprietary Network Information Certification for filing in EB Docket No. 06-36 and EB-06-TC-060.

If you have any questions regarding this filing, please contact the undersigned at (202) 955-9788.

Sincerely,



Todd D. Daubert

Counsel for MCC Telephony, Inc.

Enclosure

cc: Byron McCoy, Telecommunications Consumers Division
Enforcement Bureau, FCC

2006 Customer Proprietary Network Information Certification

I, Scott Matukas, President and Chief Operating Officer of USD CLEC, Inc., make the following statement in compliance with Section 64.2009(e) of the rules of the Federal Communications Commission ("FCC"). I am an officer of USD CLEC, which has been operational since August of 2005, and I have first-hand knowledge of the procedures that USD CLEC has implemented to comply with the FCC's rules pertaining to safeguarding customer proprietary network information ("CPNI"). USD CLEC has adopted the CPNI policy attached hereto as Attachment A. All employees and all operations are required to adhere to the attached policy. I certify that, to the best of my knowledge, this policy is adequate to ensure that USD CLEC handles CPNI in compliance with FCC rules.



Signature



Title



Date

Customer Proprietary Network Information Policy

Federal law governs the use of Customer Proprietary Network Information ("CPNI"). USD CLEC, Inc., uses CPNI in accordance with federal law and as stated in this policy. Federal law defines CPNI as:¹

- Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and
- Information contained in the bills pertaining to a telephone exchange service or telephone toll service received by a customer of a carrier.²

For example, CPNI includes information such as the type of services that the customer services and the customer's use of those services (e.g., call patterns, call volume, etc.). CPNI does not include information derived from non-telecommunications services offered to the customer.

Under federal law, absent customer consent, USD CLEC is permitted to use, disclose, or permit access to CPNI as follows:

- (1) to protect our rights and property, our customers, and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, our services;
- (2) to provide or market service offerings among the categories of service to which the customer already subscribes;
- (3) for the provision of customer premises equipment;
- (4) for billing and rendering services to the customer; and
- (5) as required by law, such as in response to a validly issued subpoena.

USD CLEC does not use CPNI to market services to customers that are outside of the category of service to which the customer does not already subscribe. USD CLEC does not share CPNI with affiliates or third parties for marketing purposes. USD CLEC may engage third parties to assist in billing and collections, administration, surveys, marketing, service delivery and customization, maintenance and operations, and fraud prevention.

If USD CLEC seeks to market services to customers outside of the category of services to which the customer subscribes, then USD CLEC will notify customer at that time of their right to choose not to be a part of any such marketing campaign. All marketing campaigns must receive prior approval and must be conducted in accordance with this policy.

All employees will be trained as to when they are, and are not, authorized to use CPNI. USD CLEC will take any necessary disciplinary action for violation of this policy.

USD CLEC has a corporate officer who will act as agent for the company and sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with applicable CPNI rules. USD CLEC provides a statement that accompanies this certificate explaining that its operating procedures are adequate to ensure compliance with CPNI regulations.

¹ See 47 U.S.C. § 221 (establishing the duty of common carriers to protect privacy/proprietary information of customers).

² See 47 U.S.C. § 222(h)(1)(A), (B).